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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,923	01/05/2004	Kevin B. Pinter	PINK102	9638

7590 09/21/2005  
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BOISE, ID 83701-1840

EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/753,923

Applicant(s)

PINTAR, KEVIN B.

Examiner

Jared W. Newton

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 7, 11, 15 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05 Jan 2004</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - Line 5 of the ABSTRACT should read, "...the butt --of-- the firearm..."
  - Line 3 of Paragraph [009] should read, "...the butt --of-- the firearm..."
  - Line 1 of Paragraph [019] should read, "As --seen-- in Figure 4..."

Appropriate correction is required.

### ***Claim Objections***

2. Claims 7 and 15 are objected to because of the following informalities: Both claims 7 and 15 recite, "...the second side stock support member including a substantially parallel orientation relative to the second side stock support member." Said second side stock support member cannot be oriented parallel to itself. Appropriate correction is required. It is noted that claims 7 and 15 are treated under the assumption that the author intended to claim said second side stock support member as being in a parallel orientation to a first side stock support member.
3. Claims 11 and 19 are objected to as claiming identical subject matter. Claim 19 includes all of the limitations of claim 11, and does include any further limitations.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3634

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5-7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 321,930 to Wunderlick.

6. In regard to claim 1, Wunderlick discloses a gun rack comprising a stock support assembly *G* having pivoted curved seat *g* adapted to receive the butt portion of a gun; further comprising a barrel support assembly *T* comprising a claw *H* adapted to grasp the outer perimeter or the gun nozzle (see FIG. 1).

7. In regard to claim 2, Wunderlick discloses a rack including all of the limitations of claim 1, further comprising vertical side stock support members *g'* connected to and extending from said butt support member (see FIG. 3).

8. In regard to claim 5, Wunderlick discloses a rack including all of the limitations of claim 1, further comprising a lower mounting bracket *C*, wherein the stock support member *G* is pivotally mounted to said lower bracket *C* and pivotable about an axis of rotation; and an upper mounting bracket *B*, wherein the barrel claw *H* is pivotally mounted to said upper bracket *B* and pivotable about the axis of rotation (see FIG. 1).

9. In regard to claim 6, Wunderlick discloses a rack including all of the limitations of claim 1, further comprising a barrel gripping claw assembly analogous to a clip, wherein a clip is defined as a device for gripping or claspings. Wunderlick recites, "The arm *T* of bracket *B* has a pivoted or hinged piece or claw, *H*, for grasping the nozzle of the gun..." (see Line 48).

Art Unit: 3634

10. In regard to claim 7, Wunderlick discloses a rack including all of the limitations of claim 1, further comprising first and second vertical stock support members *g'* extending from the butt support member *g*, said stock support members aligned in a parallel orientation to each other (see FIGs. 1 and 3). Wunderlick recites, "The bracket *C* is provide with the arm *G*, having pivoted curved seat *g*, with side and end projections *g'*, in which the stock of the gun in placed" (see Line 45).

11. In regard to claim 10, Wunderlick discloses a rack including all of the limitations of claim 7, further comprising the upper and lower mounting brackets with respective support members attached pivotally thereto, as advanced above (see paragraph 8).

12. In regard to claims 11 and 19, Wunderlick discloses a rack comprising all of the included limitations as advanced in the above claim rejections.

13. In regard to claim 14, Wunderlick discloses a rack including all of the limitations of claim 11, further comprising a clip as set forth in the claim 6 rejection above (see paragraph 9).

14. In regard to claim 15, Wunderlick discloses a rack including all of the limitations of claim 11, further comprising stock support members as set forth in the claim 7 rejection above (see paragraph 10).

15. In regard to claim 18, Wunderlick discloses a rack including all of the limitations of claim 15, further comprising the upper and lower mounting brackets with respective support members attached pivotally thereto, as advanced above (see paragraph 8).

Art Unit: 3634

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3, 4, 8, 9, 12, 13, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '930 to Wunderlick in view of U.S. Patent No. 5,138,786 to Fischer.

18. Wunderlick discloses a gun rack comprising all of the limitations of claims 2, 7, 11, 15, and 19. Wunderlick does not disclose said side stock support members comprising apertures located near their distal ends, wherein a lock is securable through said apertures and a trigger guard of the firearm for securing the firearm to the stock support assembly. Specifically, Wunderlick does not disclose the oblong aperture according to claims 4, 9, 13, and 18. Fischer discloses a firearm support and protection device 10 comprising a stock supporting housing 18 including two vertical members 18a and 22 disposed on either side of the stock of the firearm (see FIGs. 1, 3, and 4). Fischer also discloses an embodiment of said device comprising an oblong aperture 85, wherein a lock is slid through said aperture and the trigger guard of the firearm. Fischer recites, "...housing 18 may be provided with a slot 85 to accommodate an elevator bolt 85a...In this situation, bolt 85a passes through trigger guard 86 (shown in phantom) which is a part of the pistol to prevent its removal" (see Column 3, Line 41). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the locking means as disclosed by Fischer on the gun rack as disclosed by

Art Unit: 3634

Wunderlick, by extending the stock support members of Wunderlick in the vertical direction so that their respective upper ends are aligned with an area above the trigger guard of the firearm, and are in the shape of the vertical housing walls as disclosed by Fischer. The motivation for said inclusion would be to provide the rack as disclosed by Wunderlick with an integral locking means. The rack as disclosed by Wunderlick at the time of its invention most likely did not require a locking means, however, as obvious and well known in the art today, gun racks necessitate a locking means for theft prevention and safety measures. The motivation for including the elongated aperture slot as disclosed by Fischer would be to accommodate for various types of firearms, comprising various lengths.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 4,696,405 to Waring
- U.S. Patent No. 5,022,536 to Pierson
- U.S. Patent No. 4,182,453 to Worswick

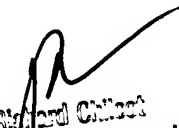
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

Art Unit: 3634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN

  
Richard Chilcot  
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